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District of Hawaii

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

FEB 27 2004

at 12 o'clock and 1 min. M  
WALTER A. Y. H. CHINN, CLERK

LEFT SIDE

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00200-03 (HG)
	)	
Plaintiff,	)	PRELIMINARY ORDER OF
	)	FORFEITURE; EXHIBIT "A"
vs.	)	
	)	
DOUG FARIAS,	(03) )	
a/k/a "Hollywood,"	)	
	)	
Defendant.	)	
	)	

PRELIMINARY ORDER OF FORFEITURE

As a result of his guilty plea as to Count 1, and, admissions as to forfeitures as to Count 9 of the Second Superseding Indictment, for which the government sought forfeiture pursuant to 21 U.S.C. § 853, defendant shall forfeit to the United States all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of such violation.

The Court has determined, based on defendant's plea agreement, that the following property is subject to forfeiture pursuant to 21 U.S.C. § 853, and that the government has established the requisite nexus between such property and such offenses:

- (a) \$50,000.00 in U.S. currency seized from a rental vehicle in the presence of Doug Farias on or about February 22, 2003;
- (b) a black 1986 Ford Mustang bearing Vehicle Identification Number 1FABP28M2GF176293 and Hawaii license plate number GYR-851;
- (c) a Sony Trinitron 36" flat screen television, serial number 9000174;
- (d) \$16,200.00 in U.S. Currency seized from the residence of Doug Farias located at 46-441B Kahuhipa Street, Kaneohe, Hawaii, on or about April 11, 2003, and
- (e) 68 pieces of miscellaneous jewelry seized from the residence of Doug Farias located at 46-441B Kahuhipa Street, Kaneohe, Hawaii, on or about April 11, 2003, and further described in Exhibit A hereto as the 72 listed items, excluding items #6, #13, #43, and #72.

(all the property referenced to above are hereinafter referred to collectively as the "Subject Property").

Upon the entry of this Order, the United States Attorney General (or a designee) is authorized to seize the Subject Property, and to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

Upon entry of this Order, the United States Attorney General (or a designee) is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

The United States shall publish notice of the Order and its intent to dispose of the property in such a manner as the United States Attorney General (or a designee) may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the Subject Property.

Any person, other than the above-named defendant, asserting a legal interest in the Subject Property may, within thirty (30) days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n).

Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing or before sentencing if the defendant consents and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

Any petition filed by a third party asserting an interest in the Subject Property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the Subject Property, any additional facts supporting the petitioner's claim and the relief sought.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.

The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).


DATED: FEB 27 2004, at Honolulu, Hawaii.

**HELEN GILLMOR**

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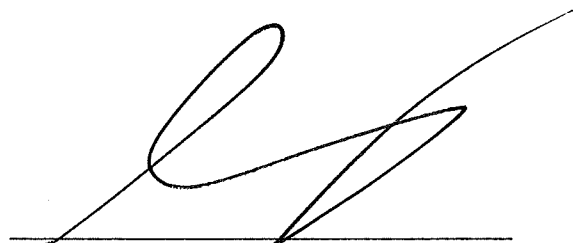
HELEN GILLMOR  
UNITED STATES DISTRICT JUDGE

Presented by:



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LOUIS A. BRACCO  
Assistant U. S. Attorney



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MICHAEL GREEN  
Attorney for DOUG FARIAS

USA v. Doug Farias; Cr. No. 03-00200-03 (HG); "Preliminary Order of Forfeiture"



UNITED STATES MARSHALS SERVICE

# SEIZED PROPERTY AND EVIDENCE CONTROL FORM (USM-102) ITEMIZATION LIST

District	:	HI District of Hawaii		
Sub-Office	:			
OIA Case Number	:	281E-HN-17354	Forfeiture Type :	Administrative
OIA Agency	:	FBI	Gov't/Private :	Government NASAF
Court Case Name	:	US vs. Miscellaneous Jewelry		
Court Case Number	:	UNKNOWN		
Asset Identification	:	03-FBI-002373	Seizure Number :	3280030054

## Item

## Seq.

No.	Count	Item Description/Serial Number/Condition/Item Type/Disposition Type
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1	1	Silver Colored "Movado" Watch with blue face Model 84-G1-1899 5627034 JE Good
2	1	Gold Colored imitation "Rolex" watch with white face JE Good
3	1	(2A-4) Gent's Two-Tone Stainless Steel "Wittnauer" Wristwatch JE Good
4	1	(2A-3) Gent's Stainless Steel and Diamond "Wittnau" Wristwatch JE Good
5	1	Black Colored "Movado" Watch with black face Model 87-40-882N NO SN JE Good
6	1	Silver Colored "Movado" Watch with white face Model 84-C5-898 3418428 JE Good
7	1	(40-G) Lady's Sapphire, Diamond and Gold Bracelet JE Good
8	1	(40-H) Lady's Gold and Diamond Bracelet JE Good

# EXHIBIT A

# SEIZED PROPERTY AND EVIDENCE CONTROL FORM (USM-102)

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9	1	(40-I) Lady's Gold Bracelet	
		JE	Good
10	1	(40-J) Lady's Gold Bracelet	
		JE	Good
11	1	(2B-1) Gold Pendant	
		JE	Good
12	1	(2B-2) Gold Pendant	
		JE	Good
13	1	(2B-4) Gent's Diamond and Gold Identification Brac	
		JE	Good
14	1	(44-A) Sterling Silver Bracelet	
		JE	Good
15	1	(44-B) Lady's Sterling Silver Bracelet	
		JE	Good
16	1	(44-C) Lady's Gold Hawaiian Ring	
		JE	Good



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Item Seq.	No.	Count	Item Description/Serial Number/Condition/Item Type/Disposition Type
17	1		Lady's Silver Colored "Movado" Watch with clear stones, Model 92-36-828 3419844 JE Good
18	1		(40-B) 14K Gold Hawaiian Bracelet  JE Good
19	1		(40-C) Diamond and White Gold Bracelet  JE Good
20	1		(40-D) Diamond and White Gold Bracelet  JE Good
21	1		(40-E) Gold Bracelet  JE Good
22	1		(40-F) Gold Bracelet  JE Good
23	1		(35-A) Lady's Sapphire, Daimond and Gold Ring  JE Good
24	1		(35-B) Lady's Diamond and Gold Ring  JE Good

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25	1	(35-C) Lady's Garnet, Peridot, Citrine, Topaz, Ame and Gold Ring	Good
		JE	
26	1	(35-D) Lady's Diamond and Gold Ring	Good
		JE	
27	1	(35-E) Pair of Diamond and Gold Earrings	Good
		JE	
28	1	(35-F) Pair of Gold Earrings	Good
		JE	
29	1	(35-G) Pair of Gold Earrings	Good
		JE	
30	1	(35-H) Pair of Diamond and Gold Earrings	Good
		JE	
31	1	(35-I) One Gold Earring	Good
		JE	
32	1	(35-J) One Cubic Zirconia and Gold Earring	Good
		JE	

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33	1	(37-A) Lady's Gold Chain Necklace	Good
		JE	
34	1	(37-B) Gold Chain Necklace	Good
		JE	
35	1	(37-C) Child's Gold Ring	Good
		JE	
36	1	(37-D) Lady's Diamond and White Gold Ring	Good
		JE	
37	1	(37-E) Lady's Diamond and White Gold Ring	Good
		JE	
38	1	(8A) Lady's Diamond and White Gold Ring	Good
		JE	
39	1	(8B) Lady's Diamond and White Gold Ring	Good
		JE	
40	1	(8C) Lady's Diamond and White Gold Pendant and Ch	Good
		JE	

# SEIZED PROPERTY AND EVIDENCE CONTROL FORM (USM-102)

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Seq.				
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41	1	(8D) Lady's Diamond and Stainless Steel Wristwate		
			Good	
		JE		

42	1	(38-A) White Gold Chain		
			Good	
		JE		

43	1	(38-B) White Gold and Diamond Pendant and Chain Ne		
			Good	
		JE		

44	1	(38-C) Lady's Diamond and White Gold Cross Pendant Chain		
			Good	
		JE		

45	1	(38-D) Gent's Sterling Silver Ring		
			Good	
		JE		

46	1	(42) Pair of Lady's Diamond and White Gold Earring		
			Good	
		JE		

47	1	(43-A) Tiffany Sterling Silver Bracelet		
			Good	
		JE		

48	1	(43-B) Tiffany Sterling Silver Chain Necklace		
			Good	
		JE		

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Item Seq.				
<u>No.</u>	<u>Count</u>	<u>Item Description/Serial Number/Condition/Item Type/Disposition Type</u>		
49	1	(43-C) Pair of Lady's Diamond and White Gold Earri		
		JE	Good	
50	1	(43-D) Lady's Diamond and White Gold Pendant		
		JE	Good	
51	1	(43-E) Lady's Cultured Tahitian Pearl, Diamond and Gold Ring		
		JE	Good	
52	1	(39-A) Lady's Diamond and Gold I.D. Necklace		
		JE	Good	
53	1	(39-B) Cultured Tahitian Pearl, Diamond and White Pendant		
		JE	Good	
54	1	(39-C) Cultured Tahitian Pearl and Gold Necklace		
		JE	Good	
55	1	(39-D) Gold Filigree Necklace		
		JE	Good	
56	1	(39-E) Gold Chain Necklace		
		JE	Good	

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57	1	(39-F) Gold Rondell or Pendant	
		JE	Good
58	1	(39-G) Silver Rondell	
		JE	Good
59	1	(41-A) Sterling Silver Necklace	
		JE	Good
60	1	(41-B) Lady's Diamond and White Gold Ring	
		JE	Good
61	1	(41-C) Gold Chain	
		JE	Good
62	1	(3A) Gent's Diamond and Gold Ring	
		JE	Good
63	1	(3B) Gent's Diamond and Gold Ring	
		JE	Good
64	1	(3C) Gent's Diamond and Gold Ring	
		JE	Good

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Item				
Seq.				
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65	1	(3D) Gent's Diamond and White Gold Ring		
		JE	Good	

66	1	(3E) Gent's Diamond and Gold Insignia Ring		
		JE	Good	

67	1	(3F) Gent's Gold Bracelet		
		JE	Good	

68	1	(3G) Pair of Diamond and White Gold Earrings		
		JE	Good	

69	1	(3H) Pair of Lady's White Gold Earrings		
		JE	Good	

70	1	(3I) Gold Colored Earrings		
		JE	Good	

71	1	(3J) Pair of White Gold Earrings		
		JE	Good	

72	1	(2B-3) Gent's Gold Chain		
		JE	Good	